

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL ANTHONY SILVA,

Plaintiff,

v.

No. CIV-07-0059 BB/RHS

FRANK MILLER, et al.,

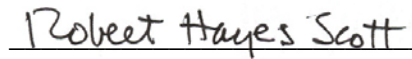
Defendants.

**REPORT AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

THIS MATTER comes before the Court on “Defendant San Miguel Detention Center’s [(“SMDC’s”)] Motion to Dismiss” (“Motion”), filed May 1, 2007 [**Doc. No. 10**]. In its Motion, SMDC alleges that Plaintiff’s personal injury and civil rights violations complaint “must be dismissed because the Plaintiff’s claims are barred by the applicable statutes of limitation.” (Motion at 1). Plaintiff has not responded to the Motion. On April 10, 2007, the Court directed the Clerk to substitute San Miguel County for the named detention center and SMDC was terminated from the caption as a party defendant. Thus, at the time that SMDC filed its motion to dismiss, it was no longer a party to this case. Accordingly, the Court finds that San Miguel Detention Center’s Motion is moot and recommends that it be denied as such.

Within ten (10) days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to 28 U.S.C. § 636(b)(1), file written objections to such proposed findings and recommendations. A party must file any objections within the ten

(10) day period allowed if that party wants to have appellate review of the proposed findings and recommendations. If no objections are filed, no appellate review will be allowed.



ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE